ORIGINAL

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

NOV 18 2004

LAWRENCE K. BAERMAN, CLERK
ALBANY

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

****

UNITED STATES OF AMERICA,

v.

KUN FUK CHENG, ET AL.,
Defendants.

Index No.
Criminal No. 04-CR- 544 TJM

****

NOTICE OF LIS PENDENS

NOTICE IS HEREBY GIVEN that commencement and pendency of the above-captioned criminal action, brought by the United States by its attorney, Glenn T. Suddaby, United States Attorney, for the Northern District of New York (Sara Lord, Elizabeth Coombe and Thomas A. Capezza, Assistant U.S. Attorneys appearing) against the above named defendants by an Indictment seeking the forfeiture to the United States of real property listed herein pursuant to 18 U.S.C. § 982.

The current record title holders for the real property are:

Jin Rong Cheng and Kun F. Cheng.

The land and premises to be affected by this suit is commonly known as ***1879 Central Avenue, Albany, New York***, and is more fully set forth in Exhibit A, attached hereto and made a part hereof.

For further information concerning this action, reference may be made to the records of the Clerk of the Court for the United States District Court for the Northern District of New York.

Dated: November 18, 2004

GLENN T. SUDDABY
United States Attorney
Northern District of New York
218 James T. Foley Courthouse
445 Broadway
Albany, New York
Tele. (518) 431-0247

By: ________________ for

Thomas A. Capezza
Assistant U.S. Attorney
Bar Roll No. 503159

TO THE ALBANY COUNTY CLERK:

You are hereby directed to index the attached Notice of Pendency against:

JIN RONG CHENG AND KUN FUK CHENG

GLENN T. SUDDABY
United States Attorney
Northern District of New York

By: ______________________

Thomas A. Capezza
Assistant U.S. Attorney
Bar Roll No. 503159

EXHIBIT A

ALL that certain tract or parcel of land, with buildings and improvements thereon, situate in the Town of Colonie, formerly Town of Watervliet, County of Albany and State of New York, on the northeasterly side of Albany and Schenectady Turnpike Road, west of the Vly Road, being a part of Lot No. 4 on a map made in 1869 by Gerrit T. Whitbeck, which map was duly filed in the Albany County Clerk's Office on the 21st day of December, 1885, premises hereby conveyed being more particularly bounded and described as follows, viz:

BEGINNING at a point in the northeasterly side or line of Albany-Schenectady Turnpike Road where said line is intersected by the westerly line of a plot of land heretofore conveyed by Elijah Hudson Rider and Ruby Rider, his wife, to John C. Cipullo by deed dated July 6, 1927 and recorded July 7, 1927 in the Albany County Clerk's Office in Book 797 of Deeds, at Page 6, said point of beginning being also 370 feet westerly from the southeasterly corner of said Lot No. 4 and runs from thence westerly and along the said northeasterly side or line of said Albany-Schenectady Turnpike Road, 65 feet to the southeasterly corner of a plot of land heretofore conveyed by John D. Hartman and Emma I. Hartman, his wife, to John W. Finehout and Cora M. Finehout, his wife by deed bearing date September 14, 1912 and recorded in the Albany County Clerk's Office on December 4, 1912 in Book 614 of Deeds, at Page 35; running thence northerly and along the easterly line of land so conveyed to said John W. Finehout and Cora M. Finehout, his wife, 150 feet; thence running easterly and parallel with the northeasterly side or line of Albany and Schenectady Turnpike Road, 65 feet to a point 150 feet northerly from the northeasterly side or line of said Albany and Schenectady Turnpike Road; and running thence southerly and at right angles to the northeasterly side of said Albany-Schenectady Turnpike Road; and running thence southerly and at right angles to the northeasterly side of said Albany-Schenectady Turnpike Road; 150 feet to the northeasterly side or line of the Albany-Schenectady Turnpike Road at the point of place of beginning. The premises hereby conveyed being 65 feet in width both front and rear and 150 feet in depth.

Subject to all enforceable covenants, conditions, easements and restrictions of record which may affect said premises.

BEING the same premises conveyed to Roy E. Ogren, Jr. and Joseph J. Haller by deed from Henry G. Zelker, Jr. and Sally D. Zelker dated June 28, 1977 and recorded in the Albany County Clerk's Office on the same date in Liber 2133 of Deeds at page 712. The said Jospeph J. Haller died September 16, 1985, a resident of Albany County leaving his wife, Mary R. Haller, his surviving spouse. Letters testamentary were issued to Mary R. Haller by the Surrogate of the County of Albany on October 16, 1985.